

1 KEKER & VAN NEST, LLP
JEFFREY R. CHANIN - #103649
2 DARALYN J. DURIE - #169825
ASHOK RAMANI - #200020
3 710 Sansome Street
San Francisco, CA 94111-1704
4 Telephone: (415) 391-5400
Facsimile: (415) 397-7188

5 Attorneys for Plaintiff
6 NETFLIX, INC.

7 UNITED STATES DISTRICT COURT
8
9 NORTHERN DISTRICT OF CALIFORNIA

10 NETFLIX, INC., a Delaware corporation,
11
12 Plaintiff,

13 v.

14 BLOCKBUSTER, INC., a Delaware
corporation, DOES 1-50,

15 Defendant.

16 AND RELATED COUNTERCLAIMS
17
18
19
20
21
22
23
24
25
26
27
28

Case No. C 06 2361 WHA

**DECLARATION OF ASHOK RAMANI IN
SUPPORT OF NETFLIX'S
MISCELLANEOUS ADMINISTRATIVE
REQUEST TO FILE A SURREPLY TO
THE PARTIES' JOINT STATEMENT**

Date: TBD
Time: TBD
Judge: Hon. Joseph C. Spero

1 I, ASHOK RAMANI, declare and state as follows:

2 1. I am an attorney duly licensed to practice before this Court, and am a partner with
3 Keker & Van Nest, LLP, counsel to Plaintiff and Counterclaim-Defendant Netflix, Inc. I have
4 personal knowledge of the facts set forth below, and if called to testify as a witness thereto could
5 do so competently under oath.

6 2. During the week of September 18, my partner Jeff Chanin and I spoke with
7 Blockbuster, Inc.'s counsel William O'Brien and Dominique Thomas via telephone. During the
8 conversation—a follow-up meet-and-confer on a different issue in this lawsuit—we stated our
9 objection to Blockbuster's having served the Stevenson Declaration. We stated that we believed
10 it improper to file the declaration of Blockbuster's in-house counsel Mr. Stevenson—new,
11 purported evidence—on reply, and we intended to file a sur-reply challenging the declaration.
12 We asked whether Blockbuster's counsel would agree to filing the sur-reply; they stated they
13 would need to review the document. We said that was inappropriate, and we would file the sur-
14 reply ourselves.

15 I declare under penalty of perjury under the laws of the State of California that the
16 foregoing is true and correct. Executed on this 3rd day of October 2006, at San Francisco,
17 California.

18
19
20 _____/s/ Ashok Ramani